

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,
Plaintiff,

v.

CRUZ RUBALCABA - RODRIGUEZ
Defendant.

)
)
) CR 02-003-S-EJL
) Waiver of Detention Hearing
)
) ORDER OF DETENTION
)

WAIVER OF DETENTION HEARING

I have appeared before the Chief United States Magistrate Judge in the District of Idaho, who has advised me of the provisions of 18 United States Code, Section 3142(f) and of my right to have a detention hearing pursuant to the Bail Reform Act of 1984. I wish to waive my right to such hearing and further understand and agree that the Court may enter a detention order based on the grounds set forth in the motion for a detention hearing filed by the United States.


(a) I have been advised, at the hearing that I have a right to be represented by counsel, and, if financially unable to obtain adequate representation, to have counsel appointed for me.

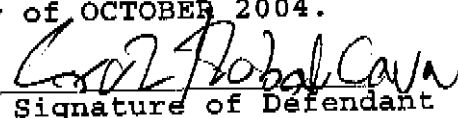
(b) That at the hearing I would be afforded an opportunity to testify, to present witnesses on my own behalf, to cross examine witnesses who appear at the hearing and to present information by proffer or otherwise.

(c) I consent to the issuance of an order detaining me prior to further District Court proceedings.

PAGE 2

DATED this 28 day of OCTOBER 2004.


Defense Counsel


Signature of Defendant

ORDER OF DETENTION

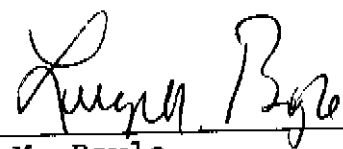
Based upon the foregoing Waiver,

IT IS HEREBY ORDERED that the Defendant be detained prior to further court proceedings that will be set by the U.S. District Court without prejudice;

IT IS FURTHER ORDERED that the Defendant be committed to the custody of the United States Marshal for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

IT IS FURTHER ORDERED that the Defendant be afforded reasonable opportunity for private consultation with his counsel; and, IT IS FURTHER ORDERED that the director of the correctional facility in which the Defendant is confined shall make the Defendant available to the United States Marshal for the purpose of appearance in connection with a Court Proceeding.

DATED this 28th day of OCTOBER 2004.


Larry M. Boyle,
Chief United States Magistrate Judge

United States District Court
for the
District of Idaho
November 5, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:02-cr-00003

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Monte J Stiles, Esq. 1-208-334-1413
US ATTORNEY'S OFFICE
Box 32
Boise, ID 83707

Dick Rubin, Esq. 1-208-388-1757
FEDERAL DEFENDER'S OFFICE
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Boise, ID 83702

Cruz Rubalcava-Rodriguez
INTERPRETER
Eduardo Silva
1111 Sweetwood Cir
Nampa, ID 83651

U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

☐ Chief Judge B. Lynn Winmill
☒ Judge Edward J. Lodge
☒ Chief Magistrate Judge Larry M. Boyle
☐ Magistrate Judge Mikel H. Williams

Visiting Judges:
☐ Judge David O. Carter
☐ Judge John C. Coughenour
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date:

11-5-04

BY:

WM
(Deputy Clerk)